Provincial Agricultural Land Commission

ANNUAL REPORT

2012/13

June 30, 2013

Agricultural Land Commission
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November 26, 2013

Honourable Pat Pimm
Minister of Agriculture
Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister:

I respectfully submit the Annual Report for the Provincial Agricultural Land Commission for the period April 1, 2012 to March 31, 2013.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Richard Bullock, Chair

Published by the Provincial Agricultural Land Commission

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Message from the Chair

Fiscal 2012/13 was another year of continued shifting for the ALC. Transitional funding was provided to the Commission to move forward with its work. Key priorities[1] for moving forward included:

I. RE-ESTABLISHING THE ALC'S PRIORITIES

The ALC has determined that we can no longer afford to be an organization that spends 80% of its time dealing with applications to the detriment of other important areas of our mandate.

A disproportionate amount of the ALC's resources are consumed in dealing, on a reactive basis, with the numerous applications made by individuals each year to exclude, subdivide or authorize non-farm uses on ALR land. Dealing with the sheer volume of these as well as requests for reconsideration of denied applications consumes an enormous amount of time and resources.

II. RE-ALLOCATING THE ALC'S RESOURCES

A. Planning

In the ALC's view, the time has come for our planning mandate to have greater prominence.

The ALC has in the past devoted insufficient resources to these critical land use planning functions. The inability to devote proper resources to local government and first nations planning has had adverse downstream effects on many of the ALC's objectives, including encouraging the use of ALR land for agriculture, preventing unnecessary urban/rural conflicts, discouraging speculative applications, and minimizing enforcement issues. The ALC has also faced significant challenges participating in provincial land use planning, resource management and major infrastructure development projects.

B. Policy

The time has come to devote more of the ALC's resources to our policy role.

The ALC's policy role is closely related to its planning mandate. Proper policy work cannot be undertaken off the "side of the desk", and it is not assisted by having to be developed on an ad hoc basis in response to a pressing need. To be of greatest value, policies that encourage farming need to result from active engagement with stakeholders and the collection of proper data and research, including analysis.

C. Boundary Reviews

The time has come to devote more of the ALC's resources to targeted boundary reviews.

Responsibility for revising the ALR's boundaries rests with the ALC. The ALC today recognizes that the most realistic approach to boundary reviews is to take a targeted approach based on the areas in greatest need of review. ALR boundary reviews can generate a great deal of interest, and controversy. It is imperative that such reviews be conducted in an open and transparent manner by engaging local governments, agricultural organizations, other stakeholder groups and the general public.

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[1] *MESSAGE FROM THE CHAIR, August 23, 2012*
CHANGING THE WAY WE DO BUSINESS: AN UPDATE ON THE TRANSITION OF THE AGRICULTURAL LAND COMMISSION
http://www.alc.gov.bc.ca/publications/Message_from_Chair-August_23-2012.pdf

D. Compliance and Enforcement

The ALR will retain its integrity only if individuals comply with the prohibition against using ALR land for non-farm uses.

The threat of prosecution is not enough to dissuade some people from breaching the *ALCA*. The ALC has determined that resource allocation to compliance and enforcement activities must be given higher priority than some types of applications. The ALC's re-allocation of priorities will reflect this reality.

E. Applications

The *ALCA* currently allows several different types of applications to be made to the ALC. The ALC application process has remained essentially unchanged since 1975. The reality is that the ALC will no longer allow the purely reactive role of dealing with applications to drive our allocation of priorities. This means three things.

1. Applications as a class will in future receive a lower relative share of the ALC's overall resources. Instead of application work accounting for 80% of the ALC's budget, the ALC is initially targeting to have that work account for 30% of our budget.
2. Applications will not be addressed according to a simple "first in time" rule, but rather according to the priority of the application, after a screening process that takes into account the nature and purpose of the application and the application's potential to encourage farming and the larger purposes of the *ALCA*.
3. Within the targeted 30% budget allocated to application work, the ALC must find creative ways to increase our efficiency by streamlining the processing of applications.

To achieve the streamlining objective, several initiatives are underway. One involves creating an electronic application process that places the onus to provide all relevant information on the person making the application. If an application is materially incomplete it will not be processed until the required information is provided by the applicant. While it may in the past have been seen as a helpful public service for ALC staff members to "shore up" deficient applications made by landowners, this is no longer economically feasible.

III. TRANSITIONAL PROJECTS SUPPORTING THE ALC'S NEW PRIORITIES

In support of re-establishing the ALC's priorities it embarked on a number of significant projects in 2012/13 using the transitional funding provided by Government. The projects included:

- Updating ALR boundary review procedural manual;
- Upgrading information technology and information management capabilities of the ALC's Online Application Tracking System (OATS);
- Designing and building a web-based application portal and client self-help kiosk to provide enhanced web services to clients and greater access to information;
- Populating the ALC database with information from approximately 25,000 applications;
- Scanning historical documents from the approximately 25,000 applications;
- Digitizing and quality assurance review of historical mapping of the 25,000 applications;
- Digitizing agricultural capability mapping; and
- Preparing a compliance and enforcement procedural handbook.

IV. CONCLUDING COMMENTS

The government provided significant additional funding to the ALC with four million dollars over the next 3 years to sustain the momentum that was underway this year and to enhance the ALC's ability to preserve British Columbia's agricultural land and encourage farming.

The ALC is working hard within the parameters of existing legislation and regulation to continue to ensure that after 40 years, farmers, ranchers, and agriculture come first in the ALR.

To read the full version of "Changing the Way We Do Business: An Update on the Transition of the Agricultural Land Commission" go to http://www.alc.gov.bc.ca/publications/Message_from_Chair-August_23-2012.pdf

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Mission and Purpose

The Agricultural Land Commission (ALC) is the provincial agency responsible for administering the Agricultural Land Reserve (ALR), a provincial land use zone for agriculture. The purposes of the ALC as set out in legislation are:

(a) to preserve agricultural land;

(b) to encourage farming on agricultural land in collaboration with other communities of interest; and

(c) to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The *Agricultural Land Commission Act* (*ALC Act*) sets out processes for the inclusion or exclusion of land to and from the ALR and for non-farm use and subdivision of land within the ALR. The *ALC Act* is supported by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002), which provides procedures for applications and defines permitted land uses and subdivisions within the ALR.

As an administrative tribunal acting pursuant to the *ALC* Act and the *Administrative Tribunals Act*, the ALC considers each application on its individual merits through a fair and transparent review process.

The work of the ALC is carried out by a body of appointed Commissioners. The appointed Commissioners are the board of directors of the Commission which is supported by 21 professional staff.

Administrative Tribunal

An administrative tribunal is a specialized government agency established under provincial legislation to implement legislative policy. Appointment to such agencies is by order-in-council and in the case of the ALC, some members are appointed by Ministerial Order. Candidates for appointment are chosen for their knowledge and expertise and their experience in the particular sector being regulated by the legislation. As per its governing legislation, Commission members must be knowledgeable in matters relating to agriculture, land use planning, local government or first nation government. Administrative tribunals perform a wide range of functions, including research and recommendations; rule making and policy development; adjudication; and standard setting.

Administrative tribunals function at arm's length from government and are expected to exercise their role in a nonpartisan manner. However, the precise relationship between administrative tribunals and government varies.

The Board

The Agricultural Land Commission is administered by a government-appointed Commission consisting of a Chair, Vice-Chairs and members who represent six geographic regions that reflect the varied geography and agricultural areas of the province. Commissioners are appointed from the regions and are selected for their relevant backgrounds and expertise.

All members form the provincial body of the Agricultural Land Commission which consider the following:

- Strategic and business planning
- Policy development
- Issues of province-wide importance
- Meeting with applicants, individuals, local governments, farm organizations and other government representatives

Board Members (April 1, 2012 - March 31, 2013)	
Richard Bullock - *Kelowna* (Chair)	
Denise Dowswell, *Vanderhoof*	Jerry Thibeault, *Cranbrook*
Gordon Gillette, *Williams Lake*	Jim Collins, *Fort St. John*
Hubert Miles, *Vernon*	Jennifer Dyson, *Port Alberni*
Jim Johnson, *Cherryville*	Sylvia Pranger, *Kent*
Lucille Dempsey, *Kamloops*	

Commission Office

The business of the Commission is carried out through four functional areas.

1. **Land Use Planning and Application Processing**: Staff research and administer all applications submitted pursuant to the *Agricultural Land Commission Act* and Regulations. In addition, they also review plans and bylaws of local governments and other agencies to ensure that the ALR is properly identified and that the policies support and encourage the objectives of the Act and Regulations.
2. **Compliance and Enforcement**: The ALC has a legislative mandate to ensure activities in the ALR are consistent with the Act, regulations and orders of the ALC.
3. **Strategic Planning and Corporate Policy**: Staff actively participates with Commissioners in developing strategies, plans and policies to achieve its mandate. Staff also participates in planning and policy initiatives of other ministries, agencies and local governments.
4. **Administration and Information Systems**: The previous three functions are supported by an administration, records management and information systems unit.

Executive Directors	Policy and Special Projects	Compliance and Enforcement	Staff Agrologist
Brian Underhill Colin Fry	Shaundehl Runka	Ron MacLeod Thomas Loo	Vacant

Regional Planners	Land Use Planners	Mapping and GIS	Administrative Support
Roger Cheetham Martin Collins Tony Pellett	Gordon Bednard Jennifer Carson Elizabeth Sutton Ron Wallace Eammon Watson	Craig Phillips Gabriel Hazaparu Kathryn Lambert	Myra Duggan Carol Bignell

Auxiliary Staff	
Lindsay McCoubrey	Jamie Louie
Judson Young	Reed Bailey

Panel Operations

The Commission operates with panels that include members from the regions where they are making application decisions. Panels are responsible for:

- Decisions on applications
- Plan and bylaw reviews
- Field inspections
- Meeting with individuals, local governments, farm organizations and other government representatives

Panels have the powers, duties and functions of the Commission in respect of all matters allocated by the Chair. Decisions of a panel are final and cannot be appealed to the full Board.

Commission panels met 35 days in fiscal year 2012/13.

Area of Province: 99,217,145 hectares
Area of ALR: 4,621,721 (April 1, 2013)

Island Panel Responsible for the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts and the Islands Trust.	**South Coastal Panel** Responsible for the Fraser Valley, Metro Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.
Okanagan Panel Responsible for the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.	**Kootenay Panel** Responsible for the Central Kootenay, East Kootenay and Kootenay-Boundary and portion of Columbia Shuswap (Golden area only) Regional Districts.
Interior Panel Responsible for the Cariboo, Central Coast and Thompson-Nicola, portion Squamish-Lillooet (Lillooet area only) Regional Districts.	**North Panel** Responsible for the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Northern Rockies, Peace River and Skeena-Queen Charlotte Regional Districts.

Panel Regions

Interior Panel

The Interior Panel region extends from the Central Coast (Bella Coola Valley) to the community of Chase at the western end of Shuswap Lakes, encompassing cattle ranching in the Cariboo and Thompson-Nicola Regional Districts. The region is dominated by BC's interior plateau and characterized by dry grasslands and forested parklands. The region includes the Central Coast, Cariboo, Squamish-Lillooet (Lillooet area only) and Thompson-Nicola Regional Districts.

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
5	2	13	14	6

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	0	53	64	0
Exclusion Area	23	7	1	38

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	64	0	0	0	64
Completed Condition	0	0	0	0	0
Conditional Approval	53	0	0	53	0
Total	117	0	0	53	64

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	1	1	0	0	0
Completed Condition	38	0	5	33	0
Conditional Approval	7	0	0	7	0
Total	46	1	5	40	0

Plans and Bylaws Reviewed

CATEGORY	INTERIOR PANEL	NUMBER
Official Community Plans *Including OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Cariboo • Williams Lake Fringe OCP • Quesnel Fringe OCP Columbia Shuswap • Electoral Area C OCP	3
TOTAL		3

Island Panel

The Island Panel region encompasses Vancouver Island, most of the Gulf Islands and a number of coastal mainland areas that are part of Regional Districts headquartered on Vancouver Island or are more readily accessed from the Island than from mainland centers. The region includes the Alberni-Clayoquot, Capital, Comox Valley, Cowichan Valley, Mount Waddington, Nanaimo, Powell River and Strathcona Regional Districts.

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
9	7	23	15	1

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	18	4	0	14
Exclusion Area	36	4	3	15

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	14	0	10	4	0
Completed Condition	0	0	0	0	0
Conditional Approval	4	0	1	3	0
Total	18	0	11	7	0

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	3	0	0	3	0
Completed Condition	15	1	5	9	0
Conditional Approval	4	0	0	4	0
Total	22	1	5	16	0

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Growth Strategies/Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Alberni-Clayoquot • Sproat Lake OCP Capital RD • Regional Sustainability Growth Strategy Cowichan Valley • Cowichan Bay EAD Nanaimo RD • City of Parksville OCP Comox Valley • Comox Valley OCP Agricultural Policies Strathcona • Cortes Island OCP	6
Implementing Bylaws	Cowichan Valley • Cowichan Valley Zoning Bylaw Capital • District of Saanich Zoning Bylaw	2
Agriculture Plans	Capital • Sooke Agricultural Plan Islands Trust • Denman Island Agricultural Plan	2
TOTAL		10

Kootenay Panel

The Kootenay Panel region encompasses the southeasterly portion of BC extending from the BC/Alberta border in the east to the Grand Forks and Kootenay Boundary area in the west. The region includes the Central Kootenay, East Kootenay and Kootenay Boundary Regional Districts and a portion of the Columbia Shuswap Regional District (Golden area only).

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
3	1	12	39	1

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	0	0	6	0
Exclusion Area	5	0	12	0

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	6	0	6	0	0
Completed Condition	0	0	0	0	0
Conditional Approval	0	0	0	0	0
Total	6	0	6	0	0

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	12	0	0	12	0
Completed Condition	0	0	0	0	0
Conditional Approval	0	0	0	0	0
Total	12	0	0	12	0

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans	Central Kootenay • Electoral Area B OCP (Rural Creston) • Electoral Area E OCP (Rural Nelson) East Kootenay • Lake Koocanusa OCP • City of Cranbrook OCP • Village of Radium OCP	5
Implementing Bylaws	East Kootenay • Home Based Business Bylaws • District of Elkford Zoning Bylaw	2
Agriculture Plans	• Central Kootenay • East Kootenay	2
Boundary Adjustments	East Kootenay • ALR Boundary Review Elk Valley/EKRD	1
Delegation Agreement Review/Audit	• East Kootenay Delegation Agreement	1
TOTAL		11

North Panel

The North Panel region encompasses north east, north central and north west BC, from Prince George, north east and west. The region includes the Bulkley-Nechako, Fraser-Fort George, Kitimat-Stikine, Northern Rockies, Peace River and Skeena-Queen Charlotte Regional Districts.

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
8	8	63	45	8

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	0	40	198	0
Exclusion Area	305	26	1	137

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	198	0	0	133	65
Completed Condition	0	0	0	0	0
Conditional Approval	40	0	40	0	0
Total	238	0	40	133	65

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	1	1	0	0	0
Completed Condition	137	137	0	0	0
Conditional Approval	26	0	0	0	26
Total	164	138	0	0	26

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Official Community Plans *OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Bulkley-Nechako • Southside Rural OCP • Telkwa Rural OCP Peace • South Peace Fringe Area OCP • District of Hudson's Hope OCP • Peace River Regional District Rural OCP	5
Delegation Agreement Review/Audit	• Fraser Fort George Delegation	1
TOTAL		6

Okanagan Panel

The Okanagan Panel region encompasses the Okanagan and Similkameen Valleys, the Columbia Shuswap and Princeton areas. The region includes the Central Okanagan, Columbia Shuswap (except Golden area), North Okanagan and Okanagan-Similkameen Regional Districts.

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
14	1	27	43	5

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	4	0	0	0
Exclusion Area	11	17	9	31

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	0	0	0	0	0
Completed Condition	0	0	0	0	0
Conditional Approval	0	0	0	0	0
Total	0	0	0	0	0

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	9	1	3	5	0
Completed Condition	31	3	21	7	0
Conditional Approval	17	0	17	0	0
Total	57	4	41	12	0

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Regional Growth Strategies/Official Community Plans *Including OCPs, updates to existing OSPs and Sub-Area Plans such as neighbourhood plans, agricultural area plans & edge plans*	Central Okanagan • Regional Growth Strategy Update • Brent Road/Trepanier and South Slopes OCP Okanagan Similkameen • District of Summerland Growth Strategy • Electoral Area D-2 OCP East Skaha, Vaseaux • Electoral Area H Official Community Plan	5
TOTAL		5

South Coast Panel

The South Coast Panel region encompasses the lower mainland region of BC from Hope and environs to the Fraser River delta and north to the Sunshine Coast and the Squamish River and Pemberton valleys. The region includes the Fraser Valley, Metro Vancouver, Squamish-Lillooet (except Lillooet area) and Sunshine Coast Regional Districts.

April 1, 2012 - March 31, 2013

Number of Applications Decided by Component Type

EXCLUSIONS	INCLUSIONS	NON-FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
5	2	32	27	17

Hectares Included and Excluded

	REFUSED	APPROVED		
		Conditional	Final	Completed Conditions
Inclusion Area	0	0	43	0
Exclusion Area	48	0	5	0

Hectares Included Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	43	41	2	0	0
Completed Condition	0	0	0	0	0
Conditional Approval	0	0	0	0	0
Total	43	41	2	0	0

Hectares Excluded Agriculture Capability All Approval Types (Conditional, Final & Completed)

	TOTAL	PRIME	MIXED	SECONDARY	UNCLASSED
Final Decided	5	0	0	0	5
Completed Condition	0	0	0	0	0
Conditional Approval	0	0	0	0	0
Total	5	0	0	0	5

Plans and Bylaws Reviewed

CATEGORY	AREA	NUMBER
Growth Strategies/ Official Community Plans	Fraser Valley • FVRD Area 'E' OCP Greater Vancouver • Langley Township Brookswood-Fernridge Community Plan • Langley Township University District • Surrey OCP • Richmond OCP and Regional Context Statement Sunshine Coast • Gibsons Neighbourhood Plan • Roberts Creek OCP	7
Implementing Bylaws	Fraser Valley • Kent Zoning Bylaw Sunshine Coast • Sunshine Coast Zoning Bylaw • Sunshine Coast Medical Marihuana Bylaw	3
Transportation Plans	Greater Vancouver • George Massey Tunnel Replacement Project • Roberts Bank Rail Corridor Project Planning • Tsawwassen First Nation Road Network	3
Parks and Recreation Plans	Greater Vancouver • Colony Farm Regional Park Planning Fraser Valley • FVRD Area 'D' Regional Park Expansion Plan • Matsqui Trail Regional Park Planning	3
Agriculture Plans	Sunshine Coast • Sunshine Coast Agricultural Plan Greater Vancouver • Surrey Agricultural Strategy • Langley Agricultural Viability Strategy	3
Other Land Use Plans	Fraser Valley • Abbotsford Farm Market Planning • Abbotsford Agri-Industrial Study (Fraser Hwy Corridor) Greater Vancouver • Albion Flats Drainage Planning	6

	• Delta Rail Terminal Project Squamish Lillooet • Pemberton Airport Planning • Pemberton Sunstone Ridge Plan	
Covenants	Greater Vancouver • Maple Ridge Watercourse Protection	1
TOTAL		26

Compliance and Enforcement

The Compliance and Enforcement unit continues to work with counterparts at the provincial and local government level to ensure ALR land is being utilized appropriately and where unauthorized activity is taking place, site inspections, investigations and enforcement actions are carried out.

Statistics

April 2012 to March 2013 Activities of the Compliance and Enforcement Team

Inquiries	Site Inspections	Voluntary Correction of Non-compliance	Warnings Issued	Enforcement Actions Initiated	Stop Work Orders Issued	Ongoing Investigations
560	427	60	72	20	21	94

Planning and Operational Policy

Anaerobic Digesters

The Agricultural Land Commission continued its work related to anaerobic digester uses in the ALR. The Commission is supportive of farm based anaerobic digester (AD) systems where the primary use of Agricultural Land Reserve land is agriculture and anaerobic digestion, associated waste management and energy production are accessory uses and compatible with surrounding agricultural operations. To date, the Commission has received very few applications for this use.

The Commission is concerned with current and ever increasing pressures related to waste disposal (green waste) on ALR lands. It must be clear that feedstocks are not predominantly urban waste and that urban waste is not displacing the ability to dispose of agricultural waste in the ALR. In that regard, Nutrient Management Planning (NMP) is a focus of concern for the Commission. As part of the work associated with ADs in the ALR, the Ministry of Agriculture began work on a Nutrient Management Fact Sheet – Nutrient Management Planning Guidelines for Anaerobic Digesters in the ALR late in the fiscal year (the document is now finalized http://www.agf.gov.bc.ca/resmgmt/publist/600Series/631600-1_Nutrient_Management_Planning_Guidelines_for_Anaerobic_Digestion_in_the_ALR.pdf

Combined Heat and Power at Greenhouses

The land use regulation under the *Agricultural Land Commission Act* does not currently identify Combined Heat and Power (CHP) and the production of energy as a permitted use in the ALR. As with other types of energy related land use in the ALR, the Commission considers cogeneration proposals in the context of a non-farm use application. The ALC will endeavour to streamline these applications where the proposed use demonstrates support for and is clearly a benefit to the agricultural operation.

The Minister of Agriculture adopted 'Regulating Combined Heat and Power Generation at Greenhouses in the ALR' as a standard to guide local government bylaw development in farming areas (s.916 *Local Government Act*). While the Ministry criteria are an important component to this initiative, they are not the ALC's criteria. However, the Commission will use the criteria set out in the standard as a guideline when considering non-farm use applications related to CHP facilities at greenhouses located in the ALR.

Medical Marihuana

Health Canada has proposed the Marihuana for Medical Purposes Regulation (MMPR). It is expected that the current system of personal use licenses and designated person licenses will be phased out by April 1, 2014. In its place, new Federal licenses are anticipated, geared to larger scale commercial production facilities.

Section 1 of the *Agricultural Land Commission Act* defines "farm use" as:

> An occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the Farm Practices Protection (Right to Farm) Act.

Based on the above definition, if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the ALC as being consistent with the definition of "farm use" under the ALC Act.

Additional Alcohol Sales in the ALR

ALC regulation currently allows for a winery lounge as an ancillary use at wineries and cideries in the ALR with conditions. Only alcohol products (wine or cider) produced on the farm where the winery lounge is located are permitted to be sold. Some wineries have complained that they are not able to serve other alcohol products to clients at special events and weddings including beer and distilled products. The ALC undertook a review of this policy in early 2012 involving consultation with industry and Liquor Control and Licensing Branch (LCLB). At the time the ALC concluded that in order to maintain some control over restaurants in the ALR and to ensure there is a link to the agricultural use of the property, it would continue to consider applications for Food Primary Licenses (that permit other alcohol product sales) on a case by case basis via the non-farm use process.

In February 2013, Regional District of Okanagan Similkameen (RDOS) passed a resolution suggesting that the ALC amend its policy to allow wineries to sell BC produced brewed and distilled products without the need to have a Food Primary Liquor License. After a meeting with an RDOS elected representative and following further discussion, the Commission determined that it was supportive, in principle, of this concept.

Further consultation with LCLB confirmed that they do not have a license that would permit the sale of products other than wine at a winery except the Food Primary License. Furthermore, a change to the *Liquor Control and Licensing Act* would be required to permit this to happen via a Manufacturers License (the license that wineries currently operate under) or to create a new type of license that would permit the sale of additional alcohol products. It is unclear if and when there would be an opportunity to make such a change and is obviously out of the ALC's control. Even if the ALC made a regulatory change or amended its policy interpretation and definition of a food and beverage service lounge to allow for the sale of additional BC brewed and distilled products, there is no avenue for this to occur via a liquor license other than Food Primary.

Since the only avenue for wineries with lounges to pursue the additional sale of alcohol is via a Food Primary Liquor License, an ALC Act non-farm use application will continue to be required. The ALC considered a couple such applications in the fiscal year and they were approved. The Commission has committed to further consultation with the industry on this matter.

Delegation Agreements

Delegation is the authorization by the ALC to a local government or an authority to act on its behalf to make use and subdivision decisions in the ALR under section 26 of the *Agricultural Land Commission Act*.

Delegation involves a primary statutory body entrusted by the legislature with the exercise of a statutory power, conferring upon another decision maker (the "Delegate") the power to make certain decisions under the statute. As such, the decision of the Delegate is treated as if it were the decision of the original decision maker. To enter into a delegation, a body such as the ALC must have confidence that the proposed delegate is ready, willing and able to carry out the statutory mandate conferred under the enabling statute. This confidence means ensuring the proposed delegate understands and is prepared to ensure complete compliance with the statutory processes and purposes of the *ALCA*.

Local Governments

1. Fraser-Fort George Regional District
   - In the 2012/13 the Regional District made 12 decisions under the delegated decision-making authority.

2. Regional District of East Kootenay
   - In the 2012/13 the Regional District made 2 decisions under the delegated decision-making authority.

Oil and Gas Commission

- In 2012/13 a total of 276 oil and gas activities on ALR lands were exempted from making an application pursuant to the delegation agreement based on reporting and reclamation conditions. The OGC received 120 Schedule "B" post reclamation reports where ALR lands were no longer needed for oil and gas use. The OGC Commissioner did not make a decision on any ALC Act applications. Three investigations and 3 enforcement actions took place.

Auditor General Report Update

The ALC continues to work on meeting the recommendations set out by the Auditor General's Office in its 2010 review of the organization. Much of the work linked to the transitional projects noted below is driven by the recommendations. To see the ALC's 2012 follow-up/self assessment please go to http://www.bcauditor.com/pubs/2010/report5/audit-agricultural-land-commission.

Transitional Funding Projects

Data Entry Project

The Commission continued its work on the transitional funding projects this fiscal. In November 2012, three staff were hired to assist with preparation for file scanning. The ALC concentrated on document scanning from December 2012 to February 2013, at which time approximately 11,000 files had been scanned in total, allowing for over 6,100 files to be made available for data entry. To date:

- 5,350 files have been completed (documents scanned, data entered mapping verified)
- 16,900 files have been prepared for file document scanning (documents delivered for scanning; data entry and mapping verification needed)
- 15,475 files have historical documents scanned (data entry and GIS mapping verification underway and ongoing)
- 6,860 files have digital mapping of properties verified
- Number of paper files awaiting full digital conversion: 14,650 – 19,650

Online Application Tracking System (OATS)

Upgrades to the OATS database were implemented in March and November, 2012. Priority is being given to development of new features that will collect, store, and report on data that is collected through the new Online Application Portal.

Website

As part of improving public access to information, the ALC began planning a significant update to its website. The update will include more information about the application process, the role of the ALC as an administrative tribunal, an online application portal and associated instructions. As well as information about historical applications and eventually a mapping function.

Online Application Portal

The ALC has been working with Vivid Solutions for over a year to design and build an online electronic application platform to improve client self-service. A prototype of the application was delivered shortly after year end. It will be tested by the ALC with stakeholder and usability assessments will commence in later 2013.

Online Query Tool

In addition to electronic application submission, an online query tool for the public was being planned in fiscal 2012/13. The tool will be populated with information collected through the online

application portal and from historic file documents that are being digitized. The query tool will be part of the new website release. A more user friendly query map is also planned in a future version when linking of the OATS database to the ALC's digital spatial information has been completed.

ALR Boundary Reviews

Preliminary work on the ALC's Boundary Review Projects commenced in December 2011with information digitization and database input for the Regional District of East Kootenay (RDEK). From December 2011 to July 2012, specific work included: digitizing both agricultural capability mapping and historical ALR application maps and entering historical application information into the OATS database.

The next step entailed refining the ALR boundary review methodology and was completed from February 2012 to August 2012. Significant tasks included: reviewing historical Fine-Tuning Program background information, hiring a consultant to update the 1981 Fine-Tuning Procedural Manual and determining the criteria for identifying boundary review areas.

In September 2012, a set of rigorous scientific criteria was employed to gather information to identify the areas of interest for a boundary review within the Elk Valley region of the East Kootenays.

The consultation phase commenced in March 2013 when members of the ALC met with the RDEK in Cranbrook to solicit feedback on the identified areas of interest in the Elk Valley. In the near future, ALC staff intends to return to Cranbrook to meet with the East Kootenay Electoral Area Directors to inform them of the boundary review project and to host an informal public meeting with various agricultural stakeholders. Following these discussions, the identified areas of interest will need to be ground-truthed through necessary fieldwork in the Elk Valley.

With the Elk Valley Review well under way, additional reviews in other areas of the East Kootenays are running concurrently. Areas of interest are in the process of being identified for the second review area and will be viewed by ALC staff in the fall of 2013. It is the Commissions intent to commence boundary reviews in the North and Interior in 2014.

Mapping, GIS and Data Management

Mapping/GIS staff continue to work with contractors on linking the Online Application Tracking System (OATS) database to the ALC's digital spatial information process that has been completed.

This web mapping service assists and improves ALC staff's ability to provide information to the Commission and helps them make better informed decisions. It will also be useful in analyzing Commission decision history, trends and long term impacts on the land base.

The conversion of paper agricultural capability maps to digital has been completed. The data has been made available internally to BC government employees.

The ALC GIS staff continues to work with the contractors on the interactive self- help portal that will eventually enable the user to access data, historical file information and to spatially search for applications.

The digital layer of application history maps continues to undergo quality assurance, approx 30% of work being complete.

The ALC GIS staff are also involved in the ALR boundary review process, compiling data and creating specialized maps that assist ALC land use planners in identifying lands for review, information for stakeholder consultations and public engagement which will ultimately will assist the Commission with the decision making process.

CUMULATIVE PANEL STATISTICS – Apr 1, 2012-Mar 31, 2013

Number of Applications Decided by Component Type

PANEL REGION	EXCLUSION	INCLUSION	NON FARM USE	SUBDIVISION	PLACE FILL & REMOVE SOIL
Interior	5	2	13	14	6
Island	9	7	23	15	1
Kootenay	3	1	12	39	1
North	8	8	63	45	8
Okanagan	14	1	27	43	5
South Coast	5	2	32	27	17
TOTAL	**44**	**21**	**170**	**183**	**38**

Hectares Included and Excluded and Net Change - Outright, Conditional Approved and Completed Conditions

PANEL REGION	INCLUSION		EXCLUSION		NET CHANGE
	APPROVED	REFUSED	APPROVED	REFUSED	
Interior	117	0	46	23	71
Island	18	18	22	36	-4
Kootenay	6	0	12	5	-6
North	238	0	164	305	74
Okanagan	0	4	57	11	-57
South Coast	43	0	5	48	38
TOTAL	**422**	**22**	**306**	**428**	**116**

* This table includes applications the ALC approved without conditions, approved with conditions and previous approvals where conditions were finalized during 1012/13

Approved Area Included and Excluded and Net Change 2012/13 (Hectares)

PANEL REGION	INCLUSION	EXCLUSION	NET CHANGE
	APPROVED	APPROVED	
Interior	64	1	63
Island	14	3	11
Kootenay	6	11	-5
North	198	1	197
Okanagan	0	9	-9
South Coast	43	5	38
TOTAL	**325**	**30**	**295**

Conditionally Approved Area Included and Excluded 2012/13 (Hectares)

PANEL REGION	INCLUSION	EXCLUSION
	APPROVED	APPROVED
Interior	53	7
Island	4	4
Kootenay	0	0
North	40	26
Okanagan	0	17
South Coast	0	0
TOTAL	**97**	**54**

Note: No change to the ALR until all conditions related to the approval are completed

Agriculture Capability of Areas Approved for Inclusion in the ALR 2012/13 (Hectares)

PANEL REGION	Area Included	Prime	Mixed	Secondary	Unclassed
Interior	64	0	0	0	64
Island	14	0	10	4	0
Kootenay	6	0	6	0	0
North	198	0	0	133	65
Okanagan	0	0	0	0	0
South Coast	43	41	2	0	0
TOTAL	**325**	**41**	**18**	**137**	**129**

Agriculture Capability of Area Approved for Exclusion from the ALR 2012/13 (Hectares)

PANEL REGION	Area Excluded	Prime	Mixed	Secondary	Unclassed
Interior	1	1	0	0	0
Island	3	0	0	3	0
Kootenay	11	0	0	11	0
North	1	1	0	0	0
Okanagan	9	1	3	1	0
South Coast	5	0	0	0	5
TOTAL	**30**	**3**	**3**	**19**	**5**

Plans and Bylaws Reviewed Summary 2012/13

	INTERIOR	ISLAND	KOOTENAY	NORTH	OKANAGAN	SOUTH COAST
Growth Strategies/Official Community Plans	3	6	5	5	5	7
Implementing Bylaws	0	2	2	0	0	3
Transportation Plans	0	0	0	0	0	3
Agriculture Area Plans	0	2	2	0	0	3
Parks and Recreation Plans	0	0	0	0	0	3
Other Land Use Plans	0	0	0	0	0	6
Covenants	0	0	0	0	0	1
ALR Boundary Reviews	0	0	1	0	0	0
Delegation Agreements	0	0	1	1	0	0
TOTAL	**3**	**10**	**11**	**6**	**5**	**26**

New Applications Received Previous Five Years

	2008/09	2009/10	2010/11	2011/12	2012/13
Number of Applications Received	598	591	540	448	447

This table reflects only new applications received by the Commission. It does not reflect workload as the following work is not accounted for: application reconsiderations, land use planning, notices of intent for placement of fill and soil removal and compliance and enforcement issues.

Table 1: Area Included & Excluded Calendar Year

Year	INCLUSIONS	EXCLUSIONS	Net Figure	Current ALR
1974	0	628	-628	**4,716,891**
1975	2,561	3,193	-632	**4,716,259**
1976	517	2,365	-1,848	**4,714,411**
1977	4,300	18,924	-14,624	**4,699,787**
1978	19,141	10,524	8,617	**4,708,403**
1979	3,252	9,758	-6,507	**4,701,897**
1980	242	6,131	-5,889	**4,696,008**
1981	1,275	16,474	-15,199	**4,680,809**
1982	3,634	6,212	-2,578	**4,678,231**
1983	6,233	4,228	2,005	**4,680,235**
1984	7,545	5,047	2,498	**4,682,733**
1985	19,440	9,229	10,211	**4,692,944**
1986	1,807	4,662	-2,855	**4,690,089**
1987	5,152	2,868	2,283	**4,692,373**
1988	6,714	1,238	5,476	**4,697,848**
1989	947	1,180	-233	**4,697,615**
1990	10,680	2,195	8,485	**4,706,100**
1991	768	2,075	-1,306	**4,704,794**
1992	3	1,081	-1,078	**4,703,716**
1993	5,843	823	5,020	**4,708,736**
1994	2,877	1,642	1,235	**4,709,971**
1995	1,095	1,171	-75	**4,709,896**
1996	1,868	1,574	294	**4,710,190**
1997	869	5,252	-4,383	**4,705,808**
1998	678	2,861	-2,184	**4,703,624**
1999	1,961	1,864	97	**4,703,721**
2000	23,204	5,797	17,407	**4,721,127**
2001	973	553	420	**4,721,548**
2002	41,792	1,530	40,262	**4,761,809**
2003	428	746	-318	**4,761,491**
2004	1,559	1,497	62	**4,761,553**
2005	1,670	2,241	-572	**4,760,981**
2006	977	548	429	**4,761,428**
2007	1,263	1,628	-365	**4,761,063**
2008	801	1,457	-655	**4,760,408**
2009	1,385	2,172	-787	**4,759,620**
2010	658	555	103	**4,623,700**
2011	682	632	50	**4,623,416**
2012	250	5	-245	**4,621,741**
Total	**185,042**	**142,543**	**42,499**	

Note: (1) All figures between 1974 to 2008 include both final decided and conditionally approved decisions.
(2) Figures from 2009 forward include only Final Approved and Completed Conditions Decisions (no conditional approvals).
(3) The Current ALR area commencing in 2010 has been revised based on GIS calculation.
(4) All figures are cumulative and in hectares.
(5) Total current ALR reflects mapping error amendments and waterway changes

Table 2: Area Included & Excluded by Regional District by Fiscal Year

Regional District	Area at Designation	Inclusion 1974-2009 Q1	Exclusion 1974-2009 Q1	Inclusion April 1, 2009-March 31, 2013	Exclusion April 1, 2009 – March 31, 2013	GIS ALR Area April 1, 2013
Alberni-Clayoquot	7,935	808	1,041	0	0	7,768
Bulkley-Nechako	297,611	70,798	2,172	327	82	373,405
Capital	19,595	289	2,819	5	8	16,404
Cariboo	925,506	18,594	18,439	303	70	936,197
Central Coast	4,453	53	65	0	0	4,624
Central Kootenay	71,539	803	8,417	25	435	63,116
Central Okanagan	33,077	210	7,207	29	13	27,243
Columbia Shuswap	67,409	1,375	17,935	40	25	54,559
Comox Valley	----	----	----	499	128	23,434
Comox-Strathcona*	43,725	5,259	8,101	----	----	----
Cowichan Valley	21,984	420	4,683	51	10	19,019
East Kootenay	272,510	346	7,466	6	1,066	265,588
Fraser-Fort George	349,636	43,507	12,301	249	196	390,821
Fraser Valley	76,803	415	5,394	97	8	71,720
Kitimat-Stikine	64,170	3,146	838	4	0	65,987
Kootenay Boundary	55,061	356	1,973	17	21	54,153
Metro Vancouver	66,839	233	6,180	8	401	60,929
Mount Waddington	1,741	17	120	0	0	2,027
Nanaimo	21,053	1,880	4,470	27	3	18,724
North Okanagan	70,283	1,555	5,946	14	782	68,888
Northern Rockies	45,554	603	1,113	0	0	48,528
Okanagan-Similkameen	86,478	2,196	4,917	38	34	84,052
Peace River	1,453,434	26,673	2,648	76	473	1,288,823
Powell River	14,130	502	5,086	0	0	9,699
Skeena-Queen Charlotte	43,887	80	187	0	0	43,196
Squamish-Lillooet	27,126	939	2,923	0	0	25,349
Strathcona	----	----	----	94	4	19,130
Sunshine Coast	6,275	27	2,251	0	5	3,981
Thompson-Nicola	568,705	2,134	4,292	43	31	574,378
Total	**4,716,516**	**183,214**	**138,982**	**1,952**	**3,795**	**4,621,721**

Note: (1) All figures between 1974 to March 31, 2009 include both final and conditionally approved decisions.

(2) Figures from 2009 forward include only Final Decisions.

(3) All figures are cumulative and in hectares.

(4) Totals may not add up due to rounding of figures.

(5) *Split to form Comox Valley and Strathcona Regional Districts in 2008

Table 3: Inclusions & Exclusion from the ALR by Regional District 2012/13

Regional District	Inclusions	Exclusions
Alberni Clayoquot	0.0	0.0
Bulkley Nechako	56.0	0.0
Capital	1.0	5.0
Cariboo	64.0	37.0
Central Coast	0.0	0.0
Central Kootenay	0.0	0.0
Central Okanagan	0.0	8.0
Columbia Shuswap	0.0	19.0
Comox Valley	0.0	1.0
Cowichan Valley	0.0	9.0
East Kootenay	6.0	0.0
Fraser Fort George	178.0	0.0
Fraser Valley	41.0	4.0
Metro Vancouver	0.0	0.0
Kitimat Stikine	0.0	0.0
Kootenay Boundary	0.0	11.0
Mount Waddington	0.0	0.0
Nanaimo	13.0	3.0
North Okanagan	1.0	9.0
Northern Rockies	0.0	0.0
Okanagan Similkameen	0.0	5.0
Peace River	0.0	138.0
Powell River	0.0	0.0
Skeena-Queen Charlotte	0.0	0.0
Squamish Lillooet	0.0	0.0
Strathcona	0.0	0.0
Sunshine Coast	2.0	0.0
Thompson Nicola	0.0	1.0
Total	325.0	250.0

Note: (1) Final approved and completed conditions decisions (no conditional approvals).
(2) All figures in hectares.

2012/13 Financial Report

DESCRIPTION	2012/13 Base Budget April 1, 2012	Transitional Funding	Total Budget	2012/13 Actual Spent March 31, 2013
SALARIES	1,173,000	252,000	1,425,000	1,347,037
BENEFITS	275,000	57,000	332,000	308,208
COMMISSION	210,000	100,000	310,000	341,122
STAFF TRAVEL	57,000	--	57,000	36,084
PROF SERVICES CONTRACTS	10,000	116,000	117,000	144,683
LEGAL CONTRACTS	113,000	87,000	200,000	115,880
INFO SYSTEMS	67,000	363,000	430,000	478,277
OFFICE SUPPLIES & BUSSINESS EXP	40,000	0	40,000	35,965
STAT ADVERTISING	9,000	--	9,000	0
UTILITIES & MATERIALS	1,000	--	1,000	1,144
VEHICLES	12,000	--	12,000	14,290
AMMORT	4,000	--	4,000	0
BOC	0	--		191
Other Expenses	1,000	--	1,000	9,125
Recoveries	-4,000	--	--	--
TOTAL BUDGET	**1,968,000**	**975,000**	**2,943,000**	**2,832,006**

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